SENATE JOURNAL EIGHTEENTH DAY

MORNING SESSION

The Senate was called to order at 10:00 a.m., with President R. Lane Beattie presiding.

Roll Call– All Senators present

Prayer – Bishop Matthew Reynolds, Marcrest Ward, Salt Lake Hunter Central Stake

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 18)

DAILY SENATE JOURNAL

Mr. President:

February 4, 1999

The Committee on Revision of the Daily Senate Journal respectfully reports that we have read the journal for the seventeenth day and find it correct with minor amendments noted on the final copy.

Gene Davis, Committee Member

Committee report read and adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 4, 1999

The House passed, **S.B. 14**, SNOWMOBILE USER FEE, by Senator L. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 77**, ELECTRONIC TRANSMISSION OF TAX NOTICE INFORMATION, by Senator D. Steele, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 82**, PRACTICE OF MEDICINE, by Senator R. Montgomery, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 14, S.B. 77, and **S.B. 82** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President:

February 3, 1999

The House passed, as amended, **H.B. 71**, UNIFORM BUILDING STANDARDS AMENDMENTS, by Representative L. Frandsen, and it is transmitted for consideration; and

The House passed **H.B. 72**, EXPERT DISCOVERY AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 173**, STATE INCOME TAX – ELIMINATION OF MARRIAGE TAX PENALTIES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 178**, GRAMA – VOTER REGISTRATION FORM AMENDMENTS, by Representative L. Nelson, and it is transmitted for consideration; and

The House passed **H.B. 238**, APPROPRIATIONS FOR LAND USE PLANS, by Representative D. Iverson, and it is transmitted for consideration; and

The House passed **H.B. 243**, ADOPTION OF COUNTY BUDGET, by Representative K. Bryson, and it is transmitted for consideration; and

The House passed **H.J.R. 5**, RESOLUTION URGING CONGRESSIONAL ACTION OVER COURTS, by Representative E. Olsen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 71, H.B. 72, H.B. 173, H.B. 178, H.B. 238, H.B. 243, and H.J.R. 5 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 3, 1999

The Rules Committee recommends assignment of the following bills and Resolution to standing committees. **S.B. 131**, APPROPRIATIONS FOR AERONAUTICAL OPERATIONS OF UDOT, which was assigned to Transportation & Public Safety should be moved to Revenue & Taxation.

Business, Labor & Economic Development

S.B. 120 Real Estate Law Amendments (L. Mansell)

S.B. 137 Powers of Department of Community and Economic

Development (L. Poulton)

Energy, Natural Resources & Agriculture

H.C.R. 1 Resolution Regarding Moving Radioactive Tailings in

Moab (K. Johnson)

Judiciary

S.B. 121 Juvenile Amendments (P. Suazo)

S.B. 128 Whistleblower Amendments (L. Hillyard)

Revenue & Taxation

S.B. 131 Appropriation for Aeronautical Operations of UDOT

(L. Hillyard)

S.B. 132 Aviation Fuel Tax Amendments (L. Hillyard)
S.B. 139 In Lieu Fee on Airplanes (L. Hillyard)

H.B. 57 Revenues for the State School Fund (D. Iverson)

Transportation & Public Safety

H.B. 208 License Plate Renewal for Persons with Disabilities

(M. Dillree)

H.B. 215 Vehicle Registration Amendments (G. Adair)H.B. 225 School Bus Railroad Crossing Requirements

(N. Hendrickson)

Steven Poulton.

Rules Committee Chair

Report filed.

STANDING COMMITTEE REPORTS

Mr. President:

February 2, 1999

The State and Local Affairs Committee reports a favorable recommendation on **H.B. 223**, SPECIAL SERVICE DISTRICT BOND SECURITY, by Representative J. Seitz, with the following amendments:

1. Page 1, Line 26a:

Lilac 1-25-99:

After "<u>for</u>" delete "<u>other</u>" and insert "<u>capital projects of the</u>" and after "<u>district</u>" delete "<u>purposes related to the services the special service</u>"

2. Page 1, Line 26b:

Lilac 1-25-99:

Delete line 26b

On motion of Senator Hillyard, the committee report was adopted. **H.B. 223** was placed on Second Reading Calendar.

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Mr. President:

February 2, 1999

The State and Local Affairs Committee reports a favorable recommendation on **S.B. 25**, RETIREMENT – USE OF SICK LEAVE AMENDMENTS, by Senator M. Waddoups, and further recommends it be reassigned to the Senate Retirement Standing Committee.

R. Mont Evans, Chair

On motion of Senator Hillyard, the committee reports was adopted.

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Mr. President:

February 3, 1999

The Health and Environment Committee reports a favorable recommendation on **H.B. 52**, PORTABILITY OF FUNDING FOR HEALTH AND HUMAN SERVICES, by Representative D. Hogue, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Environment Committee reports a favorable recommendation on **H.B. 218**, REAUTHORIZATION OF ENVIRONMENTAL QUALITY CODE PROVISIONS, by Representative B. Wright, and recommends it be considered read for the second time and placed on the Consent Calendar.

Robert F. Montgomery, Chair

On motion of Senator Hillyard, the committee reports were adopted. **H.B. 52** and **H.B. 218** were read the second time and placed on Consent Calendar.

* * *

On motion of Senator Hillyard, Rex Hill, Sergeant-at-arms spoke in Committee of the Whole. Senators Hillyard and Beattie commented.

THIRD READING CALENDAR

S.B. 101, DISARMING A PEACE OFFICER, was read the third time, explained by Senator Blackham, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

E. Allen R. Allen Blackham Davis Dmitrich B. Evans M. Evans Hale

Hellewell Hillyard Howell Hull Julander Knudson Mansell Jones Mayne Montgomery Muhlestein Nielson Peterson Poulton Spencer Steele Stephenson Valentine Waddoups Suazo

Beattie

S.B. 101 was transmitted to the House.

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S.B. 105, NEW JUDICIAL POSITIONS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Hull
Jones	Julander	Knudson	Mansell
Mayne	Montgomery	Muhlestein	Nielson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	Waddoups
Beattie			-

S.B. 105 was transmitted to the House.

* * *

S.B. 69, MANUFACTURING SALES AND USE TAX EXEMPTION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

Day 18

Absent or not voting was: Senator

Davis

S.B. 60 was transmitted to the House.

S.B. 104. COURT JURISDICTION AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

Absent or not voting was: Senator

Davis

S.B. 104 was transmitted to the House.

On motion of Senator Howell, the circle was removed from S.B. 86, REPORTING TESTS OF INDIVIDUALS INVOLVED IN MOTOR VEHICLE CRASHES, and it was before the Senate. Senator Howell explained the bill. On motion of Senator Howell, the bill was amended as follows:

- 1. Page 1, Line 24: Goldenrod 2-1-1999: Delete "or"
- 2. Page 1, Line 26: Goldenrod 2-1-1999: Reinstate "; or" and delete the period
- 3. Pages 1-2, Lines 27-29: Goldenrod 2-1-1999: Reinstate all of lines 27 through 29

Day 18

Senators Montgomery, Beattie, Mayne, D. Allen, and Hillyard commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Julander
Knudson	Mayne	Montgomery	Muhlestein
Nielson	Peterson	Poulton	Spencer
Steele	Stephenson	Suazo	Valentine
Waddouns	Reattie		

Waddoups Beattie

Absent or not voting were: Senators

Hull Jones Mansell

S.B. 86, as amended, was transmitted to the House.

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On motion of Senator Stephenson, the circle was removed from S.B. 88, MOTOR VEHICLE INSURANCE AMENDMENTS, and it was before the Senate. Senator Stephenson explained the bill. On motion of Senator Stephenson, the bill was amended as follows:

1. Page 2, Line 34:

Goldenrod 1-29-1999:

After "60 days" insert "or, beginning with the effective date of this act. continues to be disputed for more than 60 days"

On motion of Senator Stephenson, the bill was amended as follows:

1. Page 1, Line 11: Delete all of line 11

2. Pages 6-8, Lines 182-223: Bracket and delete all of lines 182 through 223

Senators Waddoups, Hillyard, D. Allen, and Valentine commented. The bill passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	M. Evans	Hale	Hellewell
Howell	Julander	Knudson	Mansell
Mayne	Montgomery	Muhlestein	Nielson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddoups	Beattie

Voting in the negative were: Senators

Hillyard Hull Peterson

Absent or not voting were: Senators

B. Evans Jones

S.B. 88, as amended, was transmitted to the House.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to give preference to Senate Bills today.

SECOND READING CALENDAR

S.J.R. 5. RESOLUTION AMENDING STATE AND LOCAL GOVERNMENT PROVISIONS, as amended, was read the second time. Senator Nielson explained the bill. Senators Spencer, R. Allen, Blackham, Knudson, Hillyard, and Valentine commented. On motion of Senator Nielson, the bill was circled.

REVISED STANDING COMMITTEE REPORT

Mr. President:

February 4, 1999

Day 18

The Human Services Committee recommends S.B. 98, AMENDMENTS -CHILD ABUSE DATABASE, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 98, AMENDMENTS - CHILD ABUSE DATABASE with the following amendments:

- 1. Page 4, Line 95: After "agency" insert "action"
- 2. Page 4, Line 112: Delete "presentation" and insert "prohibition"
- 3. Page 9, Line 261: After "it" insert:

", provided that in a divorce, custody, or related proceeding between private parties, the record alone is:

(i) limited to objective or undisputed facts that were verified in the course of the investigation ; and

(ii) devoid of conclusions drawn by the division or any of its workers on the ultimate issue of whether or a not a person's acts or omissions constituted any level of abuse or neglect of another person."

L. Steven Poulton, Chair

On motion of Senator Poulton, the committee report was adopted.

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On motion of Senator Hillyard, and at 11:55 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:05 p.m., with President Beattie presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 4, 1999

The House passed, **S.B. 20**, SPECIAL MITIGATION FOR MENTALLY ILL OFFENDERS, by Senator P. Julander, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 30**, DRUG DEALING PENALTY AMENDMENT, by Senator J. Hull, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 91**, WEAPONS – TECHNICAL AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 20, S.B. 30, and **S.B. 91** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President:

February 4, 1999

The House passed, as substituted and amended, **1st Sub. H.B. 18**, FUNDING FORMULA FOR ALCOHOL OFFENSES ENFORCEMENT, by Representative N. Stephens, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 23, DEPARTMENT OF CORRECTIONS COMPENSATION ADJUSTMENT, by Representative G. Cox, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 68, MUNICIPAL AND COUNTY NOTICE PROVISIONS, by Representative K. Holdaway, and it is transmitted for consideration.

Carole E. Peterson. Chief Clerk

Communications filed. Sub. H.B. 18, Sub. H.B. 23, and Sub. H.B. 68 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 4, 1999

Day 18

The Rules Committee recommends assignment of the following bills and Resolution to standing committees:

Education

Appointing School Superintendents and Business H.B. 216

Administrators (J. Buffmire)

Energy, Natural Resources & Agriculture

Transfer of Water Rights Requirement (R. Muhlestein) S.B. 154 Resolution Supporting Firefighter Museum and Mining S.J.R. 10

Museum (R. Evans)

Appropriations for Land Use Plans (D. Iverson) H.B. 238

Human Services

Appropriation for Domestic Violence Shelters (R. Evans) S.B. 59 Child Care Licensing Amendments (L. Blackham) S.B. 167

Judiciary

Office of Public Guardian (L. Hillyard) S.B. 39

S.B. 102 Criminal Restitution (D. Allen)

False Statements At Preliminary Examinations (A. Tyler) H.B. 210

Revenue & Taxation

S.B. 126 Termination of Life Estate - Repeal (J. Valentine) Judgment Lien Amendments (J. Valentine) S.B. 142

State & Local Affairs

Western States Presidential Primary (R. Short) 2nd Sub H.B. 91

H.B. 243 Adoption of County Budget (K. Bryson)

Transportation & Public Safety

H.B. 59 Peace Officer Classifications Amendments (B. Chard)
H.B. 61 Motor Vehicle Registration Amendments (L. Pace)
H.B. 171 State Traffic and Pedestrian Safety Coordinating Council

(W. Harper)

Steven Poulton,

Rules Committee Chair

Report filed.

SECOND READING CALENDAR

H.B. 10, YOUTH DRIVER PROVISIONS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Montgomery, the following substitute bill replaced the original bill.

YOUTH DRIVER PROVISIONS

Senate Sub. H.B. 10

Don E. Bush

AN ACT RELATING TO PUBLIC SAFETY; REQUIRING CERTAIN DRIVING EXPERIENCE IN ORDER TO OBTAIN A DRIVER LICENSE; AMENDING CERTAIN PRACTICE PERMIT PROVISIONS; PROVIDING A NIGHT RESTRICTION FOR CERTAIN YOUNG DRIVERS; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

Senator Howell moved the following amendments:

1. Page 1, Line 7:

After "YOUNG DRIVERS;" insert "PROVIDING ADDITIONAL SEAT BELT REQUIREMENTS FOR PASSENGERS RIDING WITH CERTAIN YOUNG DRIVERS;"

2. Page 1, Line 16:

After line 16 insert:

"41-8-3, Utah Code Annotated 1953"

3. Page 2, Line 36:

After line 36 insert:

"Section 2. Section 41-8-3 is enacted to read:

<u>41–8–3.</u> Seat belt requirements.

(1) In addition to the provisions of Sections 41-6-148.20 and 41-6-182, the driver shall provide that all persons in a motor vehicle being driven by a person younger than 18 years of age wear a properly adjusted and fastened safety belt system or child restraint device, as applicable, that meets the standards set by the commissioner of the Department of Public Safety.

(2) A violation of this section is a class C misdemeanor."

Renumber remaining sections accordingly.

The motion to amend failed on the following roll call:

Yeas, 12; Nays, 15; Absent, 2.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Davis	Dmitrich
Hale	Howell	Hull	Jones
Julander	Peterson	Steele	Suazo

Voting in the negative were: Senators

Blackham	B. Evans	Hellewell	Hillyard
Knudson	Mansell	Mayne	Montgomery
Muhlestein	Nielson	Poulton	Spencer
Stephenson	Valentine	Waddoups	-

Absent or not voting were: Senators

M. Evans **Beattie**

Senator Montgomery explained the bill. Senators Howell, Hull, Blackham, and Steele commented. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mansell	Mayne
Montgomery	Muhlestein	Nielson	Peterson
Poulton	Spencer	Steele	Stephenson
Suazo	Valentine	Waddouns	•

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Voting in the negative was: Senator

Hellewell

Absent or not voting was: Senator

Beattie

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H.B. 42, TRADE AND BUSINESS NAME AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

E. Allen	R. Allen	Blackham	Dmitrich
B. Evans	M. Evans	Hale	Hellewell
Hillyard	Howell	Hull	Jones
Julander	Knudson	Mayne	Montgomery
Muhlestein	Nielson	Peterson	Poulton
Spencer	Steele	Stephenson	Suazo
Valentine	Waddoups	-	

Absent or not voting were: Senators

Davis Mansell Beattie

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H.B. 222, REVISED CORPORATION ACT AMENDMENTS, as amended, was read the second time. Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

U			
E. Allen	R. Allen	Blackham	Davis
Dmitrich	B. Evans	M. Evans	Hale
Hellewell	Hillyard	Howell	Hull
Jones	Julander	Knudson	Mansell
Mayne	Montgomery	Muhlestein	Nielson
Peterson	Poulton	Spencer	Steele
Stephenson	Suazo	Valentine	

Absent or not voting were: Senators

Waddoups Beattie

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On motion of Senator Blackham and at 3:00 a.m., the Senate adjourned until 10:00 a.m., Friday, February 5, 1999.

PAGE INDEX (DAY 1-19)

Day 18

	NI ENVIEWS OF CHILDREN (A. Bradshaw) Read for the first time and referred by the President of the Senate to the Rules Committee	1
	Assigned to standing committee Placed on Consent Calendar Read the third time Signed by the President and returned to the House	33
	OR PROFESSIONAL DEVELOPMENT REQUIREMENTS (R. Siddoway)	
	Read for the first time and referred to the Rules Committee	12
	G CLASSROOM SUPPLIES (R. Bigelow) Read for the first time and referred to the Rules Committee	18
	Assigned to standing committee	24 30
	DRIVER PROVISIONS (D. Bush)	
	Read for the first time and referred to the Rules Committee Assigned to standing committee	
	Placed on calendar	30
	Substituted Read the second time	37
	DICIAL DEBT COLLECTION AMENDMENTS (J. Murray)	
	Read for the first time and referred to the Rules Committee	26
	Assigned to standing committee	33
H.B. 13 PUBLIC	SERVICE COMMISSION REPORTING (J. Seitz) Read for the first time and referred by the President of the Senate to the Rules Committee	
	Assigned to standing committee	1
	Placed on calendar Read the second time	17
	Read the third time	2
	Signed by the President and returned to the House	2
	VEHICLE ACCIDENT REPORT AMENDMENTS (R. Lockhart) Read for the first time and referred to the Rules Committee	14
	Assigned to standing committee	
H.B. 15 CRIMIN	AL MISCHIEF AMENDMENTS (B. Holladay)	
	Read for the first time and referred to the Rules Committee Assigned to standing committee	24
	GIATE LICENSE PLATES (A. Bradshaw)	_
	Read for the first time and referred to the Rules Committee Assigned to standing committee	12
H.B. 17 GIFTS T	O PUBLIC OFFICIALS (J. Tanner)	
	Read for the first time and referred to the Rules Committee	18
	NDING FORMULA FOR ALCOHOL OFFENSES ENFORCEMENT (N. Stephens) Read for the first time and referred to the Rules Committee	37
H.B. 19 PENALT	TIES FOR DRIVING UNDER THE INFLUENCE (N. Stephens) Read for the first time and referred to the Rules Committee	1.
	Assigned to standing committee	15
H.B. 20 ADOPTI	ION PRESENTATIONS IN THE PUBLIC SCHOOLS (R. Siddoway)	
	Read for the first time and referred to the Rules Committee	12
H.B. 21 CONSTI	TUTIONAL REVISION COMMISSION AMENDMENTS (M. Styler) Read for the first time and referred to the Rules Committee	14
Sub. H.B. 23 DE	PARTMENT OF CORRECTIONS COMPENSATION ADJUSTMENT (G. Cox)	
	Read for the first time and referred to the Rules Committee	37
H.B. 24 B AND (C FUND DISTRIBUTION (T. Hatch) Read for the first time and referred to the Rules Committee	15
	Assigned to standing committee Placed on calendar	14
		26
H.B. 25 INCOMI	E TAX DEDUCTION FOR HEALTH CARE INSURANCE (M. Styler) Read for the first time and referred to the Rules Committee	14
	Read for the first time and referred to the Rules Committee Assigned to standing committee Placed on calendar	15
H.B. 27 UTAH N	IISSING PERSON CLEARINGHOUSE (G. Cox) Read for the first time and referred to the Rules Committee	20
	PRIATION FOR CENTER FOR LANDSCAPE WATER MANAGEMENT (J. Buffmire)	~
	Read for the first time and referred to the Rules Committee	14
	Assigned to standing committee	24
	E TAX - DEFINITIONS RELATING TO DISABLED PERSONS (J. Buffmire)	~
2.22	Read for the first time and referred to the Rules Committee	14

Assigned to standing committee
H.B. 36 DRIVER LICENSE IDENTIFICATION (D. Ure) Read for the first time and referred to the Rules Committee 1 Assigned to standing committee 1
Placed on calendar
Assigned to standing committee
Assigned to standing committee
Sub. H.B. 43 CONTROLLED SUBSTANCE DATABASE AMENDMENTS (P. Arent) Read for the first time and referred to the Rules Committee
H.B. 44 MURDER AND MANSLAUGHTER AMENDMENTS (D. Gladwell) Read for the first time and referred to the Russ Committee
H.B. 45 SCHOOL BUS SAFETY (N. Hendrickson) Read for the first time and referred to the Rules Committee 1 Assigned to standing committee 1
Placed on calendar 3 Amendments 3 HB 46 MINIMUM ACE FOR MARPIACE (C. Soundare)
H.B. 46 MINIMUM AGE FOR MARRIAGE (C. Saunders) Read for the first time and referred to the Rules Committee
Assigned to standing committee
Read for the first time and referred to the Rules Committee
H.B. 50 EXPANSION OF GOOD SAMARITAN ACT (R. Siddoway) Read for the first time and referred to the Rules Committee 1 Assigned to standing committee 2
H.B. 52 PORTABILITY OF FUNDING FOR HEALTH AND HUMAN SERVICES (D. Hogue) 1 Read for the first time and referred to the Rules Committee 1 Assigned to standing committee 2 Placed on calendar 3
Read the second time
Read for the first time and referred to the Rules Committee
Read for the first time and referred to the Rules Committee
Read for the first time and referred to the Rules Committee
Read for the first time and referred to the Rules Committee 3 Assigned to standing committee 3
H.B. 61 MOTOR VEHICLE REGISTRATION AMENDMENTS (L. Pace) Read for the first time and referred to the Rules Committee
Sub. H.B. 68 MUNICIPAL AND COUNTY NOTICE PROVISIONS (K. Holdaway) Read for the first time and referred to the Rules Committee
H.B. 71 UNIFORM BUILDING STANDARDS AMENDMENTS (L. Frandsen) Read for the first time and referred to the Rules Committee
H.B. 72 EXPERT DISCOVERY AMENDMENTS (G. Snow) Read for the first time and referred to the Rules Committee
nd Sub. H.B. 91 WESTERN STATES PRESIDENTIAL PRIMARY (R. Short) Read for the first time and referred to the Rules Committee
H.B. 168 CITY FORMS OF GOVERNMENT (B. Chard) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee
Read the second time

Day 18

16

Assigned to standing committee 233
Placed on calendar 334

H.B. 194 -- CONSUMER CREDIT ISSUES (W. Harper)

H.B. 196 REG	GULATION ON HUNTING COUGAR OR BEAR (M. Styler) Read for the first time and referred to the Rules Committee 233 Assigned to standing committee 302
H.B. 197 CEI	DAR MOUNTAIN INITIATIVE APPROPRIATION (T. Hatch) Read for the first time and referred to the Rules Committee 146 Assigned to standing committee 158 Placed on calendar 245
H.B. 198 API	PROPRIATION FOR CENTENNIAL TRAILS PROGRAM (A. Tyler) Read for the first time and referred to the Rules Committee 233 Assigned to standing committee 330
H.B. 199 ENI	FORCEMENT AUTHORITY FOR DRUG LAB AND PRECURSOR ACTS (A. Tyler) Read for the first time and referred to the Rules Committee
H.B. 200 WA	XTER COMMISSIONER AMENDMENTS (M. Styler) Read for the first time and referred to the Rules Committee
H.B. 201 MO	OTOR VEHICLE DEALER FILINGS (W. Harner)
	Read for the first time and referred to the Rules Committee 233 Assigned to standing committee 303
	USE OF OLYMPIC LICENSE PLATES (<i>J. Tanner</i>) Read for the first time and referred to the Rules Committee
н.в. 203 ОРГ	**ERATION AND MAINTENANCE COSTS SET ASIDE FOR STATE BUILDINGS (G. Adair) Read for the first time and referred to the Rules Committee
H.B. 205 SCI	HOOL BUS TRAFFIC SAFETY REQUIREMENTS (D. Ure) Read for the first time and referred to the Rules Committee 126 Assigned to standing committee 147 Placed on calendar 334
H.B. 207 RIV	Read the second time
H.B. 208 LIC	CENSE PLATE RENEWAL FOR PERSONS WITH DISABILITIES (M. Dillree) Read for the first time and referred to the Rules Committee
H.B. 209 TAS	SK FORCE ON SCHOOL DISTRICT SIZE (D. Cox) Read for the first time and referred to the Rules Committee 205 Assigned to standing committee 243
H.B. 210 FAI	LSE STATEMENTS AT PRELIMINARY EXAMINATIONS (A. Tyler) Read for the first time and referred to the Rules Committee
H.B. 212 FUI	NDING DEPARTMENT OF NATURAL RESOURCES PRIVATE PROPERTY OMBUDSMAN (E. Olsen) Read for the first time and referred to the Rules Committee
Sub. H.B. 214	WAGE CLAIM AMENDMENTS (G. Adair) Read for the first time and referred to the Rules Committee
H.B. 215 VEI	CHICLE REGISTRATION AMENDMENTS (G. Adair) Read for the first time and referred to the Rules Committee
H.B. 216 API	POINTING SCHOOL SUPERINTENDENTS AND BUSINESS ADMINISTRATORS (<i>J. Buffmire</i>) Read for the first time and referred to the Rules Committee
H.B. 217 DIS	SORDERLY CONDUCT AMENDMENTS (A. Bradshaw) Read for the first time and referred to the Rules Committee
H.B. 218 RE/	AUTHORIZATION OF ENVIRONMENTAL QUALITY CODE PROVISIONS (B. Wright) Read for the first time and referred to the Rules Committee 157 Assigned to standing committee 233 Placed on calendar 364 Read the second time 364
H.B. 219 LAI	BOR COMMISSION SAFETY AMENDMENTS (G. Adair) Read for the first time and referred to the Rules Committee 205 Assigned to standing committee 242 Placed on calendar 305
H.B. 222 REV	VISED CORPORATION ACT AMENDMENTS (A. Bradshaw) 146 Read for the first time and referred to the Rules Committee 158 Assigned to standing committee 234 Placed on calendar 234 Amendments 234 Read the second time 373

H.B. 223 SPECIA	AL SERVICE DISTRICT BOND SECURITY (J. Seitz)	
	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	
	Placed on calendar	
	Amendments	363
H.B. 225 SCHOO	DL BUS RAILROAD CROSSING REQUIREMENTS (N. Hendrickson)	
	Read for the first time and referred to the Rules Committee	260
	Assigned to standing committee	363
HR 998 MOTO	R VEHICLE INSURANCE ON CERTAIN VEHICLES (G. Way)	
11.D. 220 WOTO	Read for the first time and referred to the Rules Committee	260
Sub. H.B. 229 ST	TATE OLYMPIC COORDINATION AMENDMENTS (J. Tanner)	
	Read for the first time and referred to the Rules Committee	330
	MENDMENTS (J. Swallow)	
	Read for the first time and referred to the Rules Committee	233
HR 233 REVISO	OR'S STATUTE (S. Koehn)	
	Read for the first time and referred to the President of the Senate	65
	Assigned to standing committee	90
	Read the second time	132
	Read the third time	
	Signed by the President and returned to the House	152
H R 238 ΔPPRO	PRIATIONS FOR LAND USE PLANS (D. Iverson)	
11.12. 200	Read for the first time and referred to the Rules Committee	362
	Assigned to standing committee	
	QUENT FIRE PROTECTION DISTRICT FEES (D. Iverson)	
H.B. 239 DELIN	Read for the first time and referred to the Rules Committee	999
		233
H.B. 243 ADOPT	TION OF COUNTY BUDGET (K. Bryson)	
	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	371
H.C.R. 1 RESOL	UTION REGARDING MOVING RADIOACTIVE TAILINGS IN MOAB (K. Johnson)	
	Read for the first time and referred to the Rules Committee	330
	Assigned to standing committee	363
HIR 3 IOINTE	RULES AMENDMENTS RESOLUTION (S. Koehn)	
11.5.10. 5 5 5 1 1 1	Read for the first time and referred to the President of the Senate	65
	Assigned to standing committee	90
	Amendments	209
	Read the second time	
	Read the third time	
	Circled	
	Uncircled	
	Transmitted to the House	
	Signed by the President and returned to the House	301
		301
H.J.R. 4 RESOL	UTION CHANGING STATE ELECTION CYCLE (D. Zolman)	
	Read for the first time and referred to the Rules Committee	233
	Assigned to standing committee	
H.J.R. 5 RESOLI	UTION URGING CONGRESSIONAL ACTION OVER COURTS (E. Olsen) Read for the first time and referred to the Rules Committee	
	Read for the first time and referred to the Rules Committee	362
HIR 6 IOINT	RESOLUTION - COMPENSATION OF IN-SESSION EMPLOYEES (M. Dillree)	
II.O.IV. U JOHNI I	Read for the first time and referred to the Rules Committee	162
	Placed on calendar	
	Read the second time	246
	Read the third time	246
	Signed by the President and returned to the House	246
	Other	242

S.B. 1 SUPPLEMENTAL APPROPRIATIONS ACT (D. Steele) Read for the first time and referred to the Rules Committee
S.B. 2 1999 BOND BILL (B. Evans) Read for the first time and referred to the Rules Committee
S.B. 3 APPROPRIATIONS ACT II (D. Steele) Read for the first time and referred to the Rules Committee
S.B. 4 EXECUTIVE COMPENSATION (L. Hillyard) Read for the first time and referred to the Rules Committee 262
S.B. 5 MARRIAGE - MINIMUM AGE (S. Howell) Read for the first time and referred by the President of the Senate to the Rules Committee 28 Assigned to standing committee 45
S.B. 6 SEAT BELT LAW AMENDMENTS (R. Montgomery) Read for the first time and referred by the President of the Senate to the Rules Committee 28 Assigned to standing committee 46 Placed on calendar 334 Amendments 332
S.B. 7 YOUTH PAROLE AUTHORITY AMENDMENTS (J. Hull) Read for the first time and referred by the President of the Senate to the Rules Committee 45 Assigned to standing committee 45 Placed on calendar 111 Read the second time 133 Read the third time 553 Transmitted to the House 554
S.B. 8 RESEARCH TAX CREDITS MODIFICATIONS (H. Nielson) Read for the first time and referred by the President of the Senate to the Rules Committee 28 Assigned to standing committee 46 Placed on calendar 77 Read the second time 100 Read the third time 114 Transmitted to the House 114 Trans
S.B. 9 LONG TERM CARE AMENDMENTS (H. Nielson) Read for the first time and referred by the President of the Senate to the Rules Committee 48 Assigned to standing committee 46 Placed on calendar 77 Substituted 114 Read the second time 114 Read the hird time 130 Transmitted to the House 130
S.B. 10 — PUBLIC ASSISTANCE ELIGIBILITY (M. Peterson) 29 Read for the first time and referred by the President of the Senate to the Rules Committee 45, 111 Assigned to standing committee 45, 111 Amendments 110, 186 Read the second time 133 Circled 133, 187 Uncircled 186
S.B. 11 DRIVER LICENSING AMENDMENTS (M. Peterson) Read for the first time and referred by the President of the Senate to the Rules Committee 52 Assigned to standing committee 52 Placed on calendar 127 Amendments 126 Read the second time 154 Read the third time 181 Failed 181
S.B. 12 — GRADUATED DRIVER LICENSING (S. Howell) 30 Read for the first time and referred by the President of the Senate to the Rules Committee 52 Assigned to standing committee 52 Placed on calendar 178 Amendments 178, 241 Substituted 178 Read the second time 212 Before the Senate 241 Read the third time 281 Circled 212 Uncircled 224 Transmitted to the House 282
S.B. 13 BOARD OF REGENTS OVERSIGHT OF STUDENT INSTRUCTION (M. Peterson) Read for the first time and referred by the President of the Senate to the Rules Committee
S.B. 14 SNOWMOBILE USER FEE (L. Jones) Read for the first time and referred by the President of the Senate to the Rules Committee 30 Assigned to standing committee 46 Placed on calendar 77 Amendments 76, 134

Transmitted to the House 338

 Read the third time
 153

S.B. 24 -- THEFT AND PROPERTY DAMAGE AMENDMENTS (M. Dmitrich)

S.B. 25 -- RETIREMENT - USE OF SICK LEAVE AMENDMENTS (M. Waddoups)

·	S.B. 26 NURSE REGISTRATION INTERSTATE COMPACT AMENDMENTS (L. Mansell) Read for the first time and referred by the President of the Senate to the Rules Committee
· ·	S.B. 27 CITIZEN PARTICIPATION IN GOVERNMENT ACT (R. Evans) Read for the first time and referred by the President of the Senate to the Rules Committee
•	S.B. 28 BAIL BOND FORFEITURE (P. Hellewell) Read for the first time and referred by the President of the Senate to the Rules Committee
•	S.B. 29 JUVENILE REFERRALS AND PETITIONS (P. Hellewell) Read for the first time and referred by the President of the Senate to the Rules Committee
·	Assigned to standing committee
	Assigned to standing committee 52 Committee report adopted and placed on calendar 91 Amendments 153 Read the second time 132 Read the third time 153 Circled 153 Uncircled 159
	Transmitted to the House 160 Signed by the President and transmitted to the Governor 369
· ·	S.B. 31 EQUITY IN PRESCRIPTION COVERAGE (P. Julander) Read for the first time and referred by the President of the Senate to the Rules Committee
	S.B. 32 RECKLESS ENDANGERMENT (D. Allen) Read for the first time and referred by the President of the Senate to the Rules Committee
·	S.B. 33 VENUE OF ACTION (D. Allen) Read for the first time and referred by the President of the Senate to the Rules Committee
	Assigned to standing committee 52 Placed on calendar 206 Amendments 367 Substituted 206 Read the second time 214 Read the third time 240 Transmitted to the House 240
•	S.B. 34 HATE CRIMES AMENDMENTS (<i>P. Suazo</i>) Read for the first time and referred by the President of the Senate to the Rules Committee
· ·	S.B. 35 SWAP MEETS AND FLEA MARKETS ACT (L. Blackham) 91 Read for the first time and referred by the President of the Senate to the Rules Committee 158 Placed on calendar 234 Amendments 233, 308 Read the second time 306 Read the third time 337 Circled 306 Uncircled 308 Transmitted to the House 337
·	S.B. 36 STATE ELECTIONS COMMISSION (D. Allen) Read for the first time and referred to the Rules Committee
S	S.B. 37 PROCUREMENT CODE REQUIREMENT OF HEALTH CARE BENEFITS (E. Mayne) Read for the first time and referred to the Rules Committee
·	S.B. 38 QUALITY ASSURANCE ON CONSTRUCTION OF PUBLIC BUILDINGS (E. Mayne) Read for the first time and referred to the Rules Committee 128 Assigned to standing committee 189 Placed on calendar 305 Amendments 303 Substituted 303
· ·	S.B. 39 OFFICE OF PUBLIC GUARDIAN (L. Hillyard) Read for the first time and referred to the Rules Committee 149 Assigned to standing committee 370
S	S.B. 40 EVICTION FOR ILLEGAL ACTIVITIES (D. Steele) Read for the first time and referred to the Rules Committee 149 Assigned to standing committee 331

S.B. 41 DISEASE TESTING FOR AT-RISK EMERGENCY SERVICE PROVIDERS (J. Valentine) Read for the first time and referred to the Rules Committee Assigned to standing committee	 179 331
S.B. 42 OLYMPIC AND SPECIAL EVENT LICENSURE EXEMPTION (<i>P. Julander</i>) Read for the first time and referred to the Rules Committee	 179
S.B. 43 OPEN SPACE NEAR STATE PRISON (<i>R. Evans</i>) Read for the first time and referred to the President of the Senate	 207
S.B. 44 SUBDIVISION AND LAND USE AMENDMENTS (<i>P. Knudson</i>) Read for the first time and referred to the President of the Senate Assigned to standing committee	 207 331
S.B. 45 DOMESTICATED ELK HARVESTING (L. Blackham) Read for the first time and referred to the Rules Committee Assigned to standing committee Placed on calendar	 243
S.B. 46 REPORTING OF VACANT STATE POSITIONS (R. Muhlestein) Read for the first time and referred to the Rules Committee Assigned to standing committee	235 330
S.B. 47 CITY AND COUNTY ZONING OF HEALTH CARE CENTERS (R. Muhlestein) Read for the first time and referred to the Rules Committee	 235
S.B. 48 ACCESS TO HEALTH CARE FACILITIES (<i>P. Knudson</i>) Read for the first time and referred to the Rules Committee	 262
S.B. 49 UNFAIR PUBLIC COMPETITION ACT (H. Stephenson) Read for the first time and referred to the Rules Committee	 262
S.B. 50 PAYCHECK PROTECTION ACT (H. Stephenson) Read for the first time and referred to the Rules Committee	 262
	 262
S.B. 52 MUNICIPAL ANNEXATION IN COUNTIES OF THE FIRST CLASS (R. Evans) Read for the first time and referred to the Rules Committee	 262
S.B. 53 UTAH BOXING FUND (P. Suazo) Read for the first time and referred to the Rules Committee	 263
S.B. 54 UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT (L. Blackham) Read for the first time and referred to the Rules Committee	 263
S.B. 55 UNIFORM PROBATE CODE AMENDMENTS (J. Valentine) Read for the first time and referred to the Rules Committee	 263
S.B. 56 OFFICE OF CONSUMER HEALTH ASSISTANCE (P. Knudson) Read for the first time and referred to the Rules Committee	 263
S.B. 57 REGULATION OF CHECK CASHING (E. Mayne) Read for the first time and referred to the Rules Committee	 263
S.B. 58 GRANDPARENTS' VISITATION RIGHTS (T. Spencer) Read for the first time and referred to the Rules Committee	 263
S.B. 59 APPROPRIATION FOR DOMESTIC VIOLENCE SHELTERS (R. Evans) Read for the first time and referred to the Rules Committee Assigned to standing committee	 263 370
S.B. 60 ABUSE OF PERSONAL IDENTITY AMENDMENTS (T. Spencer) Read for the first time and referred to the Rules Committee Transmitted to the House	
S.B. 61 SALES AND USE TAX EXEMPTIONS - PENALTY AND INTEREST (H. Stephenson) Read for the first time and referred to the Rules Committee	264
S.B. 62 INDIVIDUAL INCOME TAX CREDIT FOR STAY-AT-HOME PARENT OR GUARDIAN (R. Read for the first time and referred to the Rules Committee	264
S.B. 63 USURY AMENDMENTS (G. Davis) Read for the first time and referred to the Rules Committee	 264
S.B. 64 TAX COMMISSION REVISIONS (J. Valentine) Read for the first time and referred to the Rules Committee	 264
S.B. 65 IMPACT FEE ARBITRATION (L. Poulton) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Read the second time Read the third time Transmitted to the House	 . 45 . 77 . 79 . 93
S.B. 66 STATEWIDE HIGHWAY CRITERIA (D. Steele) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Amendments	 . 46

CR of INCRESTIONS OF NURSES COURSE NUMBER OF F
S.B. 67 INSPECTIONS OF PUBLIC SCHOOL BUILDINGS (R. Evans) Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
Placed on calendar
Read the second time
Read the third time Transmitted to the House
S.B. 68 SCHOOL BOARD OVERSIGHT OF SCHOOL INSPECTIONS (R. Evans)
Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
Placed on calendar
Read the second time Read the third time
Transmitted to the House
S.B. 69 MANUFACTURING SALES AND USE TAX EXEMPTION (H. Stephenson)
Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
Placed on calendar
Read the third time
S.B. 70 COMPUTERS FOR PUBLIC SCHOOLS AMENDMENTS (H. Stephenson)
Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
Placed on calendar Read the second time
Read the second time Read the third time
Transmitted to the House
S.B. 71 OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE (L. Mansell)
Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
Placed on calendar
Read the second time Read the third time 93,
Circled
Transmitted to the House
S.B. 72 INCOME TAX AMENDMENTS (H. Nielson)
Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
S.B. 73 CREDIT FOR CONTRIBUTIONS TO CHILD CARE (<i>L. Blackham</i>) Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
Placed on calendar 1
Amendments
Read the second time
Circled 1
Uncircled
Transmitted to the House
S.B. 74 CHILD CARE PROVIDER CRIMINAL BACKGROUND CHECK AMENDMENTS (P. Suazo) Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
Amendments
Read the second time 13 Read the third time 14
Circled
Uncircled
Transmitted to the House
S.B. 75 FINANCIAL IDENTITY FRAUD (G. Davis)
Read for the first time and referred by the President of the Senate to the Rules Committee
Placed on calendar
Amendments
Substituted Read the second time 10
Read the third time
Circled!
Uncircled
S.B. 76 SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES (J. Valentine)
Read for the first time and referred by the President of the Senate to the Rules Committee
Assigned to standing committee
Placed on calendar
Amendments
Read the third time
m to be diff

S.B. 77 ELECTR	ONIC TRANSMISSION OF TAX NOTICE INFORMATION (D. Steele)	
	Read for the first time and referred by the President of the Sanate to the Pules Committee	38
	Placed on calendar	46
	Read the third time	77
	Placed on calendar Read the second time Read the third time Transmitted to the House	78
	Signed by the President and transmitted to the Governor	61
S.B. 78 SPECIAL	L DISTRICT BOARD TRAINING (R. Evans)	
	Read for the first time and referred by the President of the Senate to the Rules Committee	38
	Piaced on calendar	96
	Read the second time	66
	Circled	78
	Read the third time	78
	Uncircled	96
	Transmitted to the House 1 Other 1	98
S.B. 79 SALES T	'AX EXEMPTION FOR MANUFACTURED HOMES (L. Hillyard)	
	Read for the first time and referred by the President of the Senate to the Rules Committee	39
	Assigned to standing committee	46
	Read the second time	115
	Read the third time	
	Transmitted to the House	31
S.B. 80 HIGHER	EDUCATION FACULTY (R. Evans)	
	Read for the first time and referred by the President of the Senate to the Rules Committee	39
CD OI FUNDIN	Assigned to standing committee	45
5.B. 81 FUNDIN	G FOR COUGAR AND BEAR DEPREDATION (B. Evans) Read for the first time and referred by the President of the Senate to the Rules Committee	30
	Assigned to standing committee	45
	Placed on calendar	77
	Read the second time	99
	Read the third time	113
C D Q9 DDACTI	CE OF MEDICINE (R. Montgomery)	13
3.D. 62 I RACII	Read for the first time and referred by the President of the Senate to the Rules Committee	39
	Assigned to standing committee	45
	Placed on calendar	78
	Amendments	90
	Read the third time	211
	Transmitted to the House 2 Signed by the President and transmitted to the Governor 3	211
	Signed by the President and transmitted to the Governor	61
CR 00 HEDED	Other	:12
5.B. 83 HEBER	VALLEY HISTORIC RAILROAD AUTHORITY - REAUTHORIZATION (B. Evans) Read for the first time and referred by the President of the Senate to the Rules Committee	40
	Read for the first time	35
	Assigned to standing committee	46
	Placed on calendar 77, 3 Substituted 3	330
	Read the second time	135
	Read the third time	335
	Transmitted to the House	35
	Recalled	82
S.B. 84 RETTRE	MENT BENEFIT ENHANCEMENT (H. Nielson) Read for the first time and referred by the President of the Senate to the Rules Committee	40
	Assigned to standing committee	10
S.B. 85 APPROP	RIATION TO RURAL REHABILITATION FUND (L. Blackham)	
	Read for the first time and referred by the President of the Senate to the Rules Committee	40
	Assigned to standing committee Placed on calendar Read the second time	45
	Placed on calendar	77
	Read the third time	13
	Transmitted to the House	14
S.B. 86 REPORT	ING TESTS OF INDIVIDUALS INVOLVED IN MOTOR VEHICLE CRASHES (S. Howell)	
	Read for the first time and referred by the President of the Senate to the Rules Committee	40
	Assigned to standing committee Placed on calendar 1	40 78
	Amendments	366
	Read the second time	212
	Before the Senate	82
	Read the third time 3 Circled 212, 306, 3	37
	Uncircled	866
	Transmitted to the House	67
S.B. 87 RESTRIC	CTION ON CREATION OF LOCAL DISTRICTS (R. Evans) Read for the first time and referred by the President of the Senate to the Rules Committee	41

	Assigned to standing committee Placed on calendar Read the second time Read the third time Transmitted to the House	148 160 185
	VEHICLE INSURANCE AMENDMENTS (H. Stephenson) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Amendments 234, 307, 336. Read the second time Read the third time Circled Uncircled Transmitted to the House	158 234 , 367 307 336
S.B. 89 CORREC	TIONS PROGRAM SUNSET REPEAL (M. Waddoups) Read for the first time and referred by the President of the Senate to the Rules Committee	. 41
S.B. 90 HIGHER	EDUCATION SCHOLARSHIPS (R. Montgomery) Read for the first time and referred by the President of the Senate to the Rules Committee	. 41 126 245 243 307 336
S.B. 91 WEAPON	NS - TECHNICAL AMENDMENTS (M. Waddoups) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Read the second time Read the third time Transmitted to the House Signed by the President and transmitted to the Governor	. 41 . 52 127 155 181
	USING AMENDMENTS (E. Mayne) Read for the first time and referred by the President of the Senate to the Rules Committee	146
	CRIMINATION ACT AMENDMENTS (E. Mayne) Read for the first time and referred by the President of the Senate to the Rules Committee	. 110 179 179 179 305
S.B. 94 PHARMA	ACY PRACTICE ACT AMENDMENTS (<i>P. Knudson</i>) Read for the first time and referred by the President of the Senate to the Rules Committee	. 77 190
S.B. 95 APPROP	RIATION FOR ASSISTIVE TECHNOLOGY (B. Evans) Read for the first time and referred by the President of the Senate to the Rules Committee	. 77 126 206 212 240 212 214
S.B. 96 TUITION	Transmitted to the House I ASSISTANCE FOR SERVICE MEMBERS (D. Steele) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Amendments Substituted Read the second time Circled Uncircled Failed	. 92 158 245 244 338 308 308 338
S.B. 97 REMOVA	AL OF UNENFORCEABLE COVENANTS (L. Hillyard) Assigned to standing committee	190
S.B. 97 REMOVA	AL OF UNENFORCEABLE COVENANTS (L. Hillyard) Read for the first time and referred to the Rules Committee Placed on calendar Read the second time	. 111

S.B. 98 AMENDMENTS - CHILD ABUSE DATABAS	E (L. Hillvard)	
D - d f - , th - f - , t - , - , d - , f - , - , d + , t	L. Dl Citt	11 90 34
Amendments Substituted Other	10 10 11 12 13 14 15 15 16 16 16 16 16 16	58 31 68
S.B. 99 APPROPRIATIONS FOR INVESTIGATION A	ND PROSECUTION AND WOMEN'S SHELTERS (R. Allen)	on
Placed on calendar	24	45
Substituted	$ ilde{2}$	44
Read the second time		09
Read the third time		37
		31
Read for the first time and referred to t	ND PROSECUTION AND WOMEN'S SHELTERS (S. Howell) he Rules Committee	12
S.B. 100 APPROPRIATION FOR THE UTAH HERITA Read for the first time and referred to t	GE HIGHWAY PROJECT (L. Blackham) he President of the Senate 11 5 15 33 35	12
Assigned to standing committee		90
		34
S.B. 101 DISARMING A PEACE OFFICER (L. Blackh		
Read for the first time and referred to t	he Rules Committee	13
Assigned to standing committee		9U
Pood the second time	22 33 34 36	30
Read the third time	36	64
Transmitted to the House		65
S.B. 102 CRIMINAL RESTITUTION (D. Allen)		
Read for the first time and referred to t	he Rules Committee	80
Assigned to standing committee		70
S.B. 103 USE OF HIGH OCCUPANCY VEHICLE LAI		
Read for the first time and referred to t	he Rules Committee	34
Assigned to standing committee		03
S.B. 104 COURT JURISDICTION AMENDMENTS (L	Hillyard)	
Read for the first time and referred to t	he Rules Committee	28
Assigned to standing committee	10	ar
Placed on calendar		45
Read the second time		41
Read the third time		66
Uncircled		42
		ot
S.B. 105 NEW JUDICIAL POSITIONS (L. Hillyard)		
Read for the first time and referred to t	he Rules Committee	28
Assigned to standing committee Placed on calendar		9U
Read the second time		41
Read the third time		65
Transmitted to the House		65
S.B. 106 REGULATION OF OFF-ROAD VEHICLES	(I Hillward)	
Read for the first time and referred to	he Rules Committee	28
S.B. 107 LICENSURE FOR PEOPLE WITH CERTAIN		
Pand for the first time and referred to	ha Rulas Committae	90
Assigned to standing committee	he Rules Committee 12	31
S.B. 108 DIVORCE DECREE AMENDMENTS (P. Hel	he Rules Committee	40
Assigned to standing committee		4t 90
		,,,
S.B. 109 ICE CREAM AND MILK DISPENSER REQU	JIREMENTS (G. Davis)	0.0
Assigned to standing committee	he Rules Committee 12	ZE No
		UL
S.B. 110 LIMIT ON PLAN CHECK FEE (M. Waddoups	i)	۰.
Assigned to standing committee	he Rules Committee 12	ละ ดก
S.B. 111 ENTERPRISE ZONE AMENDMENTS (B. EV	ans) he Rules Committee	
Read for the first time and referred to t	he Rules Committee	5(
Assigned to standing committee		IJ۷
S.B. 112 APPROPRIATION FOR ENGINEERING AND	O PREENGINEERING PROGRAM IN HIGHER EDUCATION (L.	
Hillyard)	l D l C ''	
Read for the first time and referred to t	he Rules Committee 15	o(
Placed on calendar		05 05
		30
S.B. 113 FINANCIAL SERVICES AMENDMENTS (P.	Knudson) he Rules Committee	50
record for the first time and referred to t	ac averes communes	Ju

Assigned to standing committee 24 Placed on calendar 30	305
Amendments	
Read for the first time and referred to the Rules Committee 15 Assigned to standing committee 18 Placed on calendar 30	189
.B. 115 APPROPRIATION FOR UTAH STATE FAIRPARK (P. Suazo)	
Read for the first time and referred to the Rules Committee 15 Assigned to standing committee 18 Placed on calendar 30	51 89 305
.B. 116 APPROPRIATION FOR CHILDREN'S JUSTICE CENTERS (B. Evans) Read for the first time and referred to the Rules Committee	151
.B. 117 UTAH INJURED WORKER REEMPLOYMENT ACT (E. Mayne) Read for the first time and referred to the Rules Committee	242
Placed on calendar 30	151
.B. 119 JUVENILE EXPUNGEMENT AMENDMENTS (P. Suazo) Read for the first time and referred to the Rules Committee	
.B. 120 REAL ESTATE LAW AMENDMENTS (<i>L. Mansell</i>) Read for the first time and referred to the Rules Committee	.80 362
.B. 121 JUVENILE AMENDMENTS (P. Suazo) Read for the first time and referred to the Rules Committee	180
.B. 122 CONTROLLED ACCESS AREAS IN OLYMPIC VENUES (M. Waddoups) Read for the first time and referred to the Rules Committee 18 Assigned to standing committee 33	180
.B. 123 UTAH NATIONAL GUARD TUITION ASSISTANCE (D. Steele) Read for the first time and referred to the Rules Committee	.81 242
B. 124 APPEALS MEDIATION FUNDING (<i>L. Beattie</i>) Read for the first time and referred to the President of the Senate 20 Assigned to standing committee 33	207 331
B. 125 PEACE OFFICER AUTHORITY (M. Dmitrich) Read for the first time and referred to the President of the Senate 20 Assigned to standing committee 33	
.B. 126 TERMINATION OF LIFE ESTATE - REPEAL (J. Valentine) Read for the first time and referred to the President of the Senate 20 Assigned to standing committee 37	208 370
.B. 127 CHANGES IN SUBDIVISION PLATS (H. Nielson) Read for the first time and referred to the President of the Senate 20 Assigned to standing committee 33	208 331
.B. 128 WHISTLEBLOWER AMENDMENTS (L. Hillyard) Read for the first time and referred to the President of the Senate 20 Assigned to standing committee 36	208
B. 129 REGULATION OF PUBLIC AGENCY INSURANCE MUTUALS (L. Mansell) Read for the first time and referred to the Rules Committee	
B. 130 AMENDMENTS TO INSURANCE BENEFIT FOR ADOPTIVE PARENTS (E. Mayne) Read for the first time and referred to the Rules Committee	
.B. 131 APPROPRIATION FOR AERONAUTICAL OPERATIONS OF UDOT (<i>L. Hillyard</i>) Read for the first time and referred to the Rules Committee	236 363
Other 36 B. 132 AVIATION FUEL TAX AMENDMENTS (<i>L. Hillyard</i>) Read for the first time and referred to the Rules Committee 23	236
Assigned to standing committee	363
Read for the first time and referred to the Rules Committee 23 Assigned to standing committee 30 . 134 NEGLIGENT STORAGE OF FIREARMS (P. Julander)	30 302
Read for the first time and referred to the Rules Committee	:37
135 OLYMPIC LICENSE PLATES (S. Howell) Pood for the first time and referred to the Pulse Committee	27

S.B. 136 UNIFORM CONSUMER CREDIT CODE AMENDMENTS (P. Knudson) Read for the first time and referred to the Rules Committee	237
S.B. 137 POWERS OF DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (L. Poulton) Read for the first time and referred to the Rules Committee Assigned to standing committee	237 362
S.B. 138 DESIGN BUILD OPTIONS (<i>J. Valentine</i>) Read for the first time and referred to the Rules Committee Assigned to standing committee	238 331
S.B. 139 IN LIEU FEE ON AIRPLANES (<i>L. Hillyard</i>) Read for the first time and referred to the Rules Committee Assigned to standing committee	264 363
S.B. 140 COUNTY SERVICE PERSONNEL MANAGEMENT AMENDMENTS (R. Evans) Read for the first time and referred to the Rules Committee	264
S.B. 141 LOBBYIST REGISTRATION REQUIREMENTS (R. Evans) Read for the first time and referred to the Rules Committee	265
S.B. 142 JUDGMENT LIEN AMENDMENTS (<i>J. Valentine</i>) Read for the first time and referred to the Rules Committee Assigned to standing committee	265 370
S.B. 143 DONATION OF PHARMACEUTICAL DRUGS - LIABILITY PROTECTION (P. Suazo) Read for the first time and referred to the Rules Committee	265
S.B. 144 TAX AND FEE OFFSET AUTHORITY (<i>L. Mansell</i>) Read for the first time and referred to the Rules Committee	265
S.B. 145 MARRIAGE LAW AMENDMENTS (G. Davis) Read for the first time and referred to the Rules Committee	265
S.B. 146 UTAH ORDERLY SCHOOL TERMINATION PROCEDURES ACT AMENDMENTS (L. Hillyard) Read for the first time and referred to the Rules Committee	265
S.B. 147 EMPLOYMENT OF OUT-OF-STATE CONTRACTORS AND EMPLOYEES (E. Mayne) Read for the first time and referred to the Rules Committee	265
S.B. 148 PRIVACY OF FINANCIAL RECORDS (K. Hale) Read for the first time and referred to the Rules Committee	266
S.B. 149 PRISON INMATE STATUS (<i>L. Hillyard</i>) Read for the first time and referred to the Rules Committee	266
S.B. 150 TELECOMMUNICATION ACCESS TO INTERSTATE HIGHWAY RIGHT-OF-WAY (P. Knudson) Read for the first time and referred to the Rules Committee	266
S.B. 151 TAX AMENDMENTS AND INDIAN TRIBES (B. Evans) Read for the first time and referred to the Rules Committee	266
S.B. 152 CERTIFIED TAX RATE NEW GROWTH ADJUSTMENTS (H. Stephenson) Read for the first time and referred to the Rules Committee	266
S.B. 153 AMENDMENTS TO TRANSPORTATION RIGHTS-OF-WAY (<i>P. Knudson</i>) Read for the first time and referred to the Rules Committee	266
S.B. 154 TRANSFER OF WATER RIGHTS REQUIREMENT (R. Muhlestein) Read for the first time and referred to the Rules Committee Assigned to standing committee	266 370
S.B. 155 PROPERTY TAX LAW AMENDMENT (L. Poulton) Read for the first time and referred to the Rules Committee	267
S.B. 156 AMENDMENTS TO UTAH TECHNOLOGY FINANCE CORPORATION (L. Poulton) Read for the first time and referred to the Rules Committee	267
S.B. 157 UTILITY SALE OR MERGER INVOLVING FOREIGN COUNTRY (M. Peterson) Read for the first time and referred to the Rules Committee	267
S.B. 158 TRANSIENT ROOM TAX AMENDMENTS (<i>L. Blackham</i>) Read for the first time and referred to the Rules Committee	267
S.B. 159 TUITION TAX CREDIT (P. Hellewell) Read for the first time and referred to the Rules Committee	267
S.B. 160 PROVISION FOR PEOPLE WITH DIABETES (H. Nielson) Read for the first time and referred to the Rules Committee	267
S.B. 161 COUNTY PERSONNEL MANAGEMENT ACT REVISIONS (G. Davis) Read for the first time and referred to the Rules Committee	267
S.B. 162 LIMITATION ON WORKERS' COMPENSATION COVERAGE (P. Hellewell) Read for the first time and referred to the Rules Committee	268
S.B. 163 STATE CIVIL CASE AUTHORITY (L. Beattie) Read for the first time and referred to the Rules Committee	268
S.B. 164 STATE ROADS DESIGNATED (<i>P. Knudson</i>) Read for the first time and referred to the Rules Committee	268
S.B. 165 LICENSURE OF NAIL TECHNICIANS (L. Jones) Read for the first time and referred to the Rules Committee	268

	INDIVIDUAL AND CORPORATE INCOME TAX CREDITS FOR REF BUILDINGS (B. Evans) Read for the first time and referred to the Rules Committee	S.B. 166 1
	CHILD CARE LICENSING AMENDMENTS (L. Blackham) Read for the first time and referred to the Rules Committee Assigned to standing committee	S.B. 167
	CONSUMER CREDIT INFORMATION AMENDMENTS (G. Davis) Read for the first time and referred to the Rules Committee	S.B. 168
ns) 269	COMMITTEE OF CONSUMER SERVICES – SUNSET DATE (B. Evan Read for the first time and referred to the Rules Committee	S.B. 169
	VOTING BY MAIL (R. Allen) Read for the first time and referred to the Rules Committee	S.B. 170
	REDEVELOPMENT AGENCY - ECONOMIC DEVELOPMENT INCE Read for the first time and referred to the Rules Committee	S.B. 171
	IMMUNITY OF VOLUNTEERS (J. Valentine) Read for the first time and referred to the Rules Committee	S.B. 172
	USE OF TOBACCO SETTLEMENT MONIES (<i>L. Beattie</i>) Read for the first time and referred to the Rules Committee	S.B. 173
	UTAH MUTUAL SAVINGS BANK AMENDMENTS (J. Valentine) Read for the first time and referred to the Rules Committee	S.B. 174
TEERS (L. Mansell)	WORKERS' COMPENSATION COVERAGE OF OLYMPIC VOLUNT Read for the first time and referred to the Rules Committee	S.B. 175 '
ERS (H. Nielson) 270	PROPERTY TAX - PARTIAL EXEMPTION FOR CERTAIN TAXPAYE Read for the first time and referred to the Rules Committee	S.B. 176 1
270	HIGH LEVEL NUCLEAR WASTE (<i>L. Blackham</i>) Read for the first time and referred to the Rules Committee	S.B. 177
270	REMOTE SALES TAXATION (J. Valentine) Read for the first time and referred to the Rules Committee	S.B. 178 !
270	WORKERS' COMPENSATION AMENDMENTS (E. Mayne) Read for the first time and referred to the Rules Committee	S.B. 179
	RETAIL MERCHANTS OVERCHARGES (D. Allen) Read for the first time and referred to the Rules Committee	S.B. 180 1
TS (E. Mayne)	APPRENTICESHIP UNEMPLOYMENT INSURANCE AMENDMENT Read for the first time and referred to the Rules Committee	S.B. 181
M FUNDING (P. Knudson)	UTAH HIGHWAY PATROL ACCIDENT INVESTIGATION PROGRAM Read for the first time and referred to the Rules Committee	S.B. 182
	GOVERNMENTAL IMMUNITY AMENDMENTS (H. Stephenson) Read for the first time and referred to the Rules Committee	S.B. 183
	MOTOR VEHICLE LIABILITY COVERAGE (J. Valentine) Read for the first time and referred to the Rules Committee	S.B. 184 1
	CAPITAL OUTLAY EQUALIZATION FORMULA (L. Jones) Read for the first time and referred to the Rules Committee	S.B. 185
	RURAL YOUTH LEADERSHIP SUMMIT (B. Evans) Read for the first time and referred to the Rules Committee	S.B. 186 1
TTUTIONAL TRUST LANDS (L. Blackham)	DISPOSITION OF REVENUE FROM CERTAIN SCHOOL AND INST Read for the first time and referred to the Rules Committee	S.B. 187
	TELECOMMUNICATION - DIGITAL STATE (L. Hillyard) Read for the first time and referred to the Rules Committee	S.B. 188
	BENEFICIARY DESIGNATION OF FORMER SPOUSE (K. Hale) Read for the first time and referred to the Rules Committee	S.B. 189
ard)	COUNTY AND CITY SUBDIVISION LAW AMENDMENTS (L. Hilly: Read for the first time and referred to the Rules Committee	S.B. 190
ele)	CHILD PROTECTION AND FOSTER CARE AMENDMENTS (D. Stee Read for the first time and referred to the Rules Committee	S.B. 191
	AMENDMENTS TO TRANSPORTATION LAW (L. Blackham) Read for the first time and referred to the Rules Committee	S.B. 192
	HIGH SCHOOL EXTRA CURRICULAR SPORTS (R. Muhlestein) Read for the first time and referred to the Rules Committee	S.B. 193 1
ups)	HEALTH CARE WORKERS - BACKGROUND CHECKS (M. Waddou Read for the first time and referred to the Rules Committee	.B. 194 l
(K. Hale)	Read for the first time and referred to the Rules Committee MENTAL HEALTH THERAPIST LICENSING ACT AMENDMENTS (Read for the first time and referred to the Rules Committee	S.B. 195
	RESIDENCE OF JUSTICE COURT JUDGES (T. Spencer)	B. 196 l
272	Read for the first time and referred to the Rules Committee	

30

S.B.	. 197			D MECHANICS LIEN LAW (S. Howell) Read for the first time and referred to the Rules Committee	273
S.B.	. 198		TAX IN	CREMENT FINANCING FOR MUNICIPAL INFRASTRUCTURE (L. Mansell)	273
S.B.	. 199			NGER ROPEWAYS (L. Hillyard) Read for the first time and referred to the Rules Committee	273
S.B.	. 200			. HOUSING AUTHORITIES ACCESS TO CRIMINAL RECORDS (P. Suazo) Read for the first time and referred to the Rules Committee	273
S.B.	. 201			BUTION LIMITATIONS ON TRUST BENEFICIARY (J. Valentine) Read for the first time and referred to the Rules Committee	273
S.B.	. 202	:		AL PRACTICE ACT AMENDMENTS (<i>P. Knudson</i>) Read for the first time and referred to the Rules Committee	273
S.B.	. 203			VOR BENEFIT OF LAW ENFORCEMENT OFFICER (P. Knudson) Read for the first time and referred to the Rules Committee	273
S.B.	. 204			PROHIBITED IN CORRECTIONAL FACILITIES (M. Waddoups) Read for the first time and referred to the Rules Committee	274
S.B.	. 205			DMENTS TO ALCOHOLIC BEVERAGE CONTROL ACT (B. Evans) Read for the first time and referred to the Rules Committee	274
S.B.	. 206			NIFICATION LOCAL LAW ENFORCEMENT AND LOCAL PUBLIC SAFETY AGENCIES REGARDING OLYMPICS (H. Nielson)	
S.B	. 207		APPRO	PRIATION FOR STATE MILITARY MUSEUM (R. Allen)	274 274
S.B.	. 208		COHAE	BITANT ABUSE ACT AMENDMENTS (T. Spencer)	274
S.B.	. 209		DIVOR	CE LAW - CUSTODY AMENDMENTS (T. Spencer)	274
S.B.	. 210			CE LAW - ALIMONY AMENDMENTS (T. Spencer) Read for the first time and referred to the Rules Committee	274
S.B.	. 211			SSIONAL TEACHING STANDARDS CERTIFICATION PROGRAM (R. Allen) Read for the first time and referred to the Rules Committee	275
S.B.	. 212	:		OUSING AMENDMENT (L. Poulton) Read for the first time and referred to the Rules Committee	275
S.B.	. 213			STIC VIOLENCE AMENDMENT (P. Suazo) Read for the first time and referred to the Rules Committee	275
S.B.	. 214			RETIREMENT EMPLOYMENT RESTRICTIONS (D. Steele) Read for the first time and referred to the Rules Committee	275
S.B.	. 215			/AY PATROL BENEFITS (S. Howell) Read for the first time and referred to the Rules Committee	275
S.B.	. 216			UM PACK SIZE FOR TOBACCO PRODUCTS (S. Howell) Read for the first time and referred to the Rules Committee	275
S.B.	. 217			IASE OF RETIREMENT CREDIT AMENDMENTS (G. Davis) Read for the first time and referred to the Rules Committee	275
S.B.	. 218			EMENT AMENDMENTS (J. Hull) Read for the first time and referred to the Rules Committee	276
S.B.	. 219			ANCE BENEFIT AMENDMENTS (G. Davis) Read for the first time and referred to the Rules Committee	276
S.B.	. 220			OMINIUM OWNERSHIP ACT (M. Waddoups) Read for the first time and referred to the Rules Committee	276
S.B.	. 221			ER OF UTILITIES - CONDITIONS PRECEDENT (L. Mansell) Read for the first time and referred to the Rules Committee	276
S.B.	. 222			"Y RECORDER AMENDMENTS (R. Muhlestein) Read for the first time and referred to the Rules Committee	276
S.B.	. 223			PRIATION FOR UTAH ACCESS FOR JUSTICE FOUNDATION (<i>P. Suazo</i>) Read for the first time and referred to the Rules Committee	276
S.B.	. 224			C UTILITIES – SEWER AND WATER MAINS (G. Davis) Read for the first time and referred to the Rules Committee	276
S.B.	. 225			PRIATION FOR LITTLE COTTONWOOD CANYON SNOWSHED (S. Howell) Read for the first time and referred to the Rules Committee	277
S.B.	. 226			SSIONAL EMPLOYER LICENSING AMENDMENTS (J. Valentine) Read for the first time and referred to the Rules Committee	277
S.B.	. 227			MER WARRANTIES ON ASSISTIVE TECHNOLOGY (G. Davis) Read for the first time and referred to the Rules Committee	277

	SCHOOLS SURVEYS AMENDMENTS (R. Montgomery) Read for the first time and referred to the Rules Committee	277
	ONMENTAL CODE AMENDMENTS (T. Spencer) Read for the first time and referred to the Rules Committee	277
	CING FACILITIES FOR SCIENCE AND EDUCATION (L. Blackham) Read for the first time and referred to the Rules Committee	277
S.B. 231 EDUCA	TION AMENDMENTS (L. Hillyard) Read for the first time and referred to the Rules Committee	
	IGN REPORTING REQUIREMENTS (L. Poulton) Read for the first time and referred to the Rules Committee	278
S.B. 233 MANAC	GED CARE REFORM – LICENSED HOSPICE AGENCIES (J. Hull) Read for the first time and referred to the Rules Committee	
S.B. 234 FREEDO	OM OF PRESS PROTECTION (R. Allen) Read for the first time and referred to the Rules Committee	
S.B. 235 PROPER	XTY TAXES AND SERVICES PROVIDED (H. Nielson) Read for the first time and referred to the Rules Committee	
S.B. 236 HOSPIT	AL TAX AMENDMENTS (H. Nielson) Read for the first time and referred to the Rules Committee	
INITATIVE PETI	TTION B – CREDIT UNION ACCESS ACT Read for the first time and referred to the Rules Committee	
S.C.R. 1 RESOLU	JTION CALLING FOR PREPARATIONS FOR YEAR 2000 (S. Howell) Read for the first time and referred by the President of the Senate to the Rules Committee	
	JTION ON USE OF TOBACCO SETTLEMENT PROCEEDS (H. Nielson) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Read the second time Read the third time Circled	90 178 212 241 241
	ARE COMMISSION RESOLUTION (L. Blackham) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Read the second time Read the third time Transmitted to the House	. 45 . 77 . 80 . 94
	TION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST (L. Beattie) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Read the second time Read the third time Transmitted to the House Signed by the President and transmitted to the Lt. Governor	. 46 . 47 . 65 . 65
S.J.R. 3 ENGLIS	H PLUS RESOLUTION (<i>P. Suazo</i>) Read for the first time and referred by the President of the Senate to the Rules Committee	. 43
	ITION ENCOURAGING EFFECTIVE WATER MANAGEMENT FOR THE FUTURE (S. Howell) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Read the second time Before the Senate Read the third time Circled Uncircled Transmitted to the House	. 52 178 187 241 281 187 241
S.J.R. 5 RESOLU	ITION AMENDING STATE AND LOCAL GOVERNMENT PROVISIONS (H. Nielson) Read for the first time and referred by the President of the Senate to the Rules Committee Assigned to standing committee Placed on calendar Returned to standing committee Amendments Amendments Returned to standing committee Circled	44 46 261 149 260 368
	JTION REQUIRING SENATE RECONFIRMATION OF CERTAIN JUDGES (T. Spencer) Read for the first time and referred to the President of the Senate	209
S.J.R. 7 LOW LE	VEL RADIOACTIVE WASTE FACILITY RESOLUTION (H. Nielson) Read for the first time and referred to the Rules Committee	278

3.J.R. 6 RESUL	Read for the first time and referred to the Rules Committee	278
S.J.R. 9 RESOL	UTION ON PEDESTRIAN RIGHTS (G. Davis) Read for the first time and referred to the Rules Committee	279
S.J.R. 10 RESO	LUTION SUPPORTING FIREFIGHTER MUSEUM AND MINING MUSEUM (R. Evans) Read for the first time and referred to the Rules Committee Assigned to standing committee	
S.J.R. 11 URAN	IIUM MILL TAILINGS RESOLUTION (H. Nielson) Read for the first time and referred to the Rules Committee	279
S.J.R. 12 STATE	BOARD OF REGENTS MEMBERSHIP RESOLUTION (H. Nielson) Read for the first time and referred to the Rules Committee	279
S.J.R. 13 JOINT	RULES RESOLUTION – CONSIDERATION OF APPROPRIATIONS (D. Steele) Read for the first time and referred to the Rules Committee	279
S.R. 1 SENATE	RULES RESOLUTION – RULES COMMITTEE (L. Poulton) Read for the first time and referred by the President of the Senate to the Rules Committee Placed on calendar Amendments Read the second time Read the third time Signed by the President and transmitted to the Lt. Governor	67 78 78 92
S.R. 2 SENATE	RULES RESOLUTION (L. Poulton) Read for the first time and referred by the President of the Senate to the Rules Committee Placed on calendar Read the second time Read the third time Signed by the President and transmitted to the Lt. Governor	67 79 92